

MESSAGE NO: 4181304 MESSAGE DATE: 06/30/2014

MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: LIQ-Liquidation PUBLIC ☒ NON-PUBLIC ☐
SUB-TYPE: CTDIS-Court ORD Dissolved

FR CITE: 76 FR 82268 FR CITE DATE: 12/30/2011

REFERENCE 1301306, 1307302, 3322307,
MESSAGE # 4128303, 4175304
(s):

CASE #(s): A-580-855

EFFECTIVE DATE: 04/30/2014 COURT CASE #: 06-00248

PERIOD OF REVIEW: 11/01/2010 TO 10/23/2011

PERIOD COVERED: TO

Notice of Lifting of Suspension Date: 06/30/2014

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: Automatic liquidation instructions for diamond sawblades and parts thereof from the Republic of Korea for the period 11/01/2010 through 10/23/2011 (A-580-855)

Notice of the lifting of suspension occurred on the message date of these instructions. See paragraph 6 below.

1. On 04/30/2014, the U.S. Court of International Trade issued a second amended preliminary injunction in court number 06-00248 (see message 4128303, dated 05/08/2014). This second amended preliminary injunction replaces and supersedes a 10/18/2013 amended preliminary injunction (see message 3322307, dated 11/18/2013). As a result of this second amended preliminary injunction, the injunction to which message 1301306 (dated 10/28/2011) refers dissolved on 04/30/2014 with respect to entries which are subject to the antidumping duty order on diamond sawblades and parts thereof from the Republic of Korea for the period 11/01/2010 through 10/23/2011, for all companies.
2. Commerce does not automatically conduct administrative reviews of antidumping duty orders. Instead, reviews must be requested pursuant to section 751(a) of the Tariff Act of 1930, as amended, and in accordance with 19 CFR 351.213.
3. Commerce did not receive a request for an administrative review of the antidumping duty order for the period and on the merchandise identified below except for the firms identified in paragraph 5. Therefore, in accordance with 19 CFR 351.212(c), you are to assess antidumping duties on merchandise entered, or withdrawn from warehouse, for consumption at the cash deposit rate in effect on the date of entry, unless paragraph 5 is applicable:

Product: Diamond sawblades and parts thereof

Country: Republic of Korea

Case number: A-580-855

Period: 11/01/2010 through 10/23/2011

Liquidate all entries for all firms except as noted in paragraph 5.

4. The injunction to which message 1301306 (dated 10/28/2011) refers remains in force and continues to enjoin entries of subject merchandise which are subject to the final determination of the less-than-fair-value investigation published at diamond sawblades and parts thereof from the Republic of Korea, 71 FR 29310 (05/22/2006), and which were entered, or withdrawn from warehouse, for consumption on or after 01/23/2009; except that as of 04/30/2014 the preliminary injunction is dissolved with respect to the following:

(1) any unliquidated entries that entered, or were withdrawn from warehouse, for consumption, on or after November 1, 2010 through October 23, 2011, produced and/or exported by any company.

5. Commerce issued company specific-liquidation instructions for the following firms that were subject to the administrative review of the antidumping duty order on diamond sawblades and parts thereof from the Republic of Korea for the period 11/01/2010 through 10/23/2011.

Therefore, entries of subject merchandise produced and/or exported by the following firms should be liquidated in accordance with those messages.

Producer and/or exporter: Ehwa Diamond Industrial Co., Ltd.

Case Number: A-580-855-001

Liquidation message number/date: 4177301-06/26/2014

Producer and/or exporter: Hyosung Diamond Industrial Co., Ltd., Western Diamond Tools Inc., or Hyosung D&P Co., Ltd

Case Number: A-580-855-002

Liquidation message number/date: 4175304-06/24/2014

Producer and/or exporter: Shinhan Diamond Industrial Co., Ltd. or SH Trading, Inc.

Case Number: A-580-855-003

Liquidation message number/date: 4175303-06/24/2014

6. These instructions constitute the notice of the lifting of suspension of entries of subject merchandise covered by paragraph 3. Accordingly, notice of the lifting of suspension occurred on the message date of these instructions. The antidumping duty order on diamond sawblades and parts thereof from the Republic of Korea was revoked effective 10/24/2011. However in accordance with a preliminary injunction issued by the U.S. Court of International Trade, for entries of diamond sawblades and parts thereof from the Republic of Korea which were entered, or withdrawn from warehouse, for consumption on or after the effective date of the revocation notice, 10/24/2011, Commerce instructed CBP to continue the suspension of liquidation of such entries without a cash deposit (see message 1307302, dated 11/03/2011).

7. The assessment of antidumping duties by CBP on shipments or entries of this merchandise is subject to the provisions of section 778 of the Tariff Act of 1930, as amended. Section 778 requires that CBP pay interest on overpayments or assess interest on underpayments of the required amounts deposited as estimated antidumping duties. The interest provisions are not applicable to cash or bonds posted as estimated antidumping duties before the date of publication of the antidumping duty order. Interest shall be calculated from the date payment of estimated antidumping duties is required through the date of liquidation. The rate at which such interest is payable is the rate in effect under section 6621 of the Internal Revenue Code of 1954 for such period.

8. Upon assessment of antidumping duties, CBP shall require that the importer provide a reimbursement statement, as described in section 351.402(f)(2) of Commerce's regulations. The importer should provide the reimbursement statement prior to liquidation of the entry. If the importer certifies that it has an agreement with the producer, seller, or exporter, to be reimbursed antidumping duties, CBP shall double the antidumping duties in accordance with the above-referenced regulation. Additionally, if the importer does not provide the reimbursement statement prior to liquidation, reimbursement shall be presumed and CBP shall double the antidumping duties due. If an importer timely files a protest challenging the presumption of reimbursement and doubling of duties, consistent with CBP's protest process, CBP may accept the reimbursement statement filed with the protest to rebut the presumption of reimbursement.

9. If there are any questions by the importing public regarding this message, please contact the Call Center for the Office of AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce at (202) 482-0984. CBP ports should submit their inquiries through authorized CBP channels only. (This message was generated by OI: SB.)

10. There are no restrictions on the release of this information.

Michael B. Walsh

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party